

Application No. 09/876,550
Amendment "D"
Reply to Office Action mailed March 21, 2005

REMARKS/ARGUMENTS

The present amendment is filed in response to the Examiner's Office Action mailed July 21, 2004. In the Office Action, claims 1-23, 25-37, 119, 122-123, 126-148, 150 and 152-153 were rejected. By this paper, claims 1, 37, 119 and 152 have been amended. As such, claims 1-23, 25-37, 119, 122-123, 126-148, 150 and 152-153 are pending and should be in condition for allowance. Reconsideration of the above-identified claims is now respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claims 1, 3, 5, 21, 22, 25, 26, 31, 119, 137, 152 and 153 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5702115 to Pool.

Pool does not disclose the limitations recited with respect to claims 1, 119 and 152. In particular, Pool fails to disclose a mobile safety compliance apparatus that includes at least one selectively removable door linked to a shell by a plurality of pins, as articulated in claims 1 and 119. Further, Pool fails to disclose a mobile safety compliance apparatus having a plurality of pins that are readily removable such that the door can quickly and easily be removed, as articulated in claims 1 and 119.

Rather, Pool discloses a wall 24 being "hingedly joined to wall 22 by a suitable piano hinge" (col. 4, ll. 24-25). Piano hinges have only a single hinge pin and are made to securely hinge two objects together over a particular length. Piano hinges do not facilitate the quick and easy removal of the object which it hinges. For example, piano hinges and their associated pins are not made to be disassembled. Rather, an object, which is hinged through the use of a piano hinge, is removed through disengagement of the object from the attaching hinge plate, not by removing the piano hinge pin. Further, even if the pin in the piano hinge disclosed by Pool could

Application No. 09/876,550
Amendment "D"
Reply to Office Action mailed March 21, 2005

be removed, the configuration of Pool's cart would prevent access to the pin while the cart is positioned right side-up. In order to access the pin, the cart would need to be positioned on its back side just to expose the pin. Once exposed, the pin could not be removed without the use of tools and after considerable effort. Thus, as detailed above, Pool fails to disclose the limitations recited with respect to claims 1 and 119.

Similarly, Pool fails to disclose a mobile safety compliance apparatus comprising at least one door selectively attached to a housing by at least one pin, wherein said pin is readily removable such that the at least one door can quickly and easily be removed, as articulated in claim 152. Further, Pool fails to disclose electronic communication equipment stored in a housing, as articulated in claim 152. Rather, Pool discloses that "conventional electronic communication structure... may be mounted on work surface 90" (col. 6, ll. 40-45)(emphasis added). Work surface 90 is described by Pool as "a useful staging area for placing material during various procedures administered by the user" (col. 6, ll. 37-40)(emphasis added).

Thus, Pool fails to anticipate claims 1, 119 and 152. Furthermore, claims 3, 5, 21, 22, 25, 26, 31, 137 and 153 are not anticipated by Pool because they depend from an allowable base claim, incorporating all the limitations recited respectively therein. As such, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be removed from the above-referenced claims.

Application No. 09/876,550
Amendment "D"
Reply to Office Action mailed March 21, 2005

Rejections Under 35 U.S.C. §103(a)

Claims 2, 4, 7, 30, 122, 123, 133, 134, and 136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of U.S. Patent No. 5820143 to Rigo. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of U.S. Patent No. 4625949 to Walker. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of U.S. Patent No. 5833330 to Kos. Claims 11, 12, 14, 17, 126 and 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of U.S. Patent No. 5518258 to Cox. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox and further in view of U.S. Patent No. 5605344 to Insalaco. Claims 18-20 and 138-148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of U.S. Patent No. 6296626 to Stein. Claims 23, 32-35, 128, 129 and 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of U.S. Patent No. 4998302 to Silva. Claims 27, 28 and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of U.S. Patent No. 6220610 to Cox. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox ('610) and further in view of U.S. Patent No. 6131929 to Haley. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Walker, Silva and Stein. Claim 130 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Silva and Haley. Claim 135 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of U.S. Design Patent No. D391343 to Tagg. Claim 150 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Haley.

Pool, Walker, Silva and Stein fail to teach or suggest the limitations recited with respect to claim 37. In particular, Pool, Walker, Silva and Stein fail to teach or suggest a mobile safety

Application No. 09/876,550
Amendment "D"
Reply to Office Action mailed March 21, 2005

compliance apparatus that includes a plurality of selectively removable doors hingedly linked to a shell, wherein each door is hinged by a plurality of pins, as articulated in claim 37. Further, Pool, Walker, Silva and Stein fail to teach or suggest a mobile safety compliance apparatus that includes a plurality of pins that are readily removable such that the selectively removable doors can quickly and easily be removed, as articulated in claim 37. As such, claim 37 should be in condition for allowance. Further, all other claims rejected under 35 U.S.C. § 103 depend from an allowable base claim, thus incorporating all the limitations recited respectively therin. As such, removal of the rejection under 35 U.S.C. § 103 to the above-identified claims is now respectfully requested.

Miscellaneous

For the convenience of the Examiner, please note that Applicant's Response and Amendment, filed December 21, 2004, contained two errors relating to the status of certain claims. First, on page 13 of the December 21, 2005 Response, claim 41 was incorrectly designated as cancelled. Applicant inadvertently began a list of cancelled claims in the Listing of Claims with 41, rather than correctly designating claim 42 as the beginning of the list (i.e., 42-108). Secondly, on page 21 in the Remarks section, reference was inadvertently made to the cancellation of claim 138.

Further, the Examiner alleged on page 12 of the Office Action that "Applicant has noted the various rejections under 35 USC 103, but has not actually argued or pointed out any error associated with the presentation of any of them. In view of this, applicant is understood to have acquiesced to these set-forth rejections." However, claim 37, which claim was included and listed with the rejection under 35 U.S.C. §103, was argued on page 23 of Applicant's response,

Application No. 09/876,550
Amendment "D"
Reply to Office Action mailed March 21, 2005

filed December 21, 2005. The remainder of claims rejected under 35 U.S.C. §103 were dependent claims. While arguments were not directed at any specific dependent claim, arguments were directed at the dependent claim's base claim. Arguments distinguishing the cited reference from the invention disclosed in claims 1, 119 and 152 were made on pages 21-22 of the December 21, 2005 response. As Examiner is aware, a claim in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. 37 CFR §1.75(c). *See also* MPEP §608.01(n). As such, arguments and distinctions were inherently made to the dependent claims by virtue of arguments and distinctions directed at their respective base claim. Therefore, Applicant in no way acquiesced to the set-forth rejections, as alleged in the Office Action.

Application No. 09/876,550
Amendment "D"
Reply to Office Action mailed March 21, 2005

CONCLUSION

In view of the response and amendments submitted herein, Applicant respectfully submits that claims 1-23, 25-37, 119, 122-123, 126-148, 150 and 152-153 are in condition for allowance. As such, reconsideration of the rejections is requested and allowance of the above-identified claims is respectfully solicited.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 19 day of September 2005.

Respectfully submitted,



MICHAEL M. BALLARD
Attorney for Applicant
Registration No. 54,978

Customer No. 022913
Phone No.: (801) 533-9800

W:\15658\2\B\0000006123\001.doc